

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LEXINGTON INSURANCE COMPANY
AND NATIONAL UNION FIRE
INSURANCE COMPANY OF
PITTSBURGH,

PLAINTIFF,

V.

VIRGINIA SURETY COMPANY, INC.

DEFENDANTS.

CIVIL ACTION NO. 04-11109 RGS

**JOINT MOTION TO EXTEND TIME FOR DISCOVERY OF DEFENDANT VIRGINIA
SURETY COMPANY, INC. AND PLAINTIFFS LEXINGTON INSURANCE COMPANY
AND NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH**

Defendant Virginia Surety Company, Inc. ("VSC") and Plaintiffs Lexington Insurance Company ("Lexington") and National Union Fire Insurance Company of Pittsburgh ("NUFIC") (collectively, the "Parties") respectfully request that the Court extend the deadlines in its September 4, 2004 Scheduling Order (the "Scheduling Order") to allow the parties to conduct discovery until November 30, 2005, file dispositive motions on or before January 10, 2005, and file oppositions on or before February 14, 2005.

As grounds for this request, the Parties state as follows:

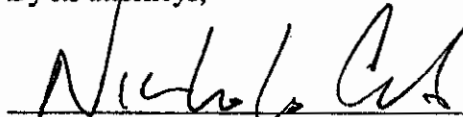
1. The Scheduling Order provides that "On or before 7-1-05, either side has the option to file a dispositive motion. If no dispositive motions are filed, the parties can continue with the proposed discovery schedule agreed to by each side."
2. No dispositive motions have been filed.

3. Discovery to date has included production of over 30,000 pages of documents by Lexington and NUFIC, with thousands of more pages of documents to be produced. VSC also anticipates that it will be producing tens of thousands of pages of documents to Lexington and NUFIC. Most of the subject documents are physically located outside of Massachusetts. Depositions and follow-up written discovery cannot be conducted until the Parties have an opportunity to analyze all of the voluminous documents productions. The sheer volume of documents involved in this matter has made it extremely difficult for the parties to complete discovery before the dates requested in this motion.
4. The Parties request that this Court extend the deadlines in the Scheduling Order to enable the parties to engage in further discovery.
5. All of the parties agree to the proposed schedule and join in this motion.
6. No party will be prejudiced by this extension.
7. No trial date has been scheduled in this matter.

WHEREFORE, the Parties request that this Court grant this joint motion.

VIRGINIA SURETY COMPANY, INC.

By its attorneys,



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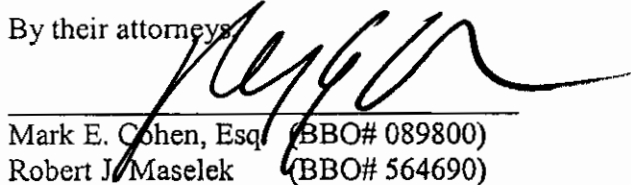
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Date: 8/10, 2005

LEXINGTON INSURANCE COMPANY AND
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Date 8.11., 2005